



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,326	08/14/2001	Ryuzo Tamayama	7217/65194	8650

7590 01/17/2006

COOPER & DUNHAM LLP
1185 Avenue of the Americas
New York, NY 10036

EXAMINER

FAULK, DEVONA E

ART UNIT	PAPER NUMBER
----------	--------------

2644

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,326

Applicant(s)

TAMAYAMA, RYUZO

Examiner

Devona E. Faulk

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed 10/19/2005, with respect to the rejection(s) of claim(s) 2 and 3 under 103 (a) with regards to the amended claim language have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of 112 rejections.
2. Regarding the applicant's assertion that a television receiver is not typically viewed as being portable since it contains the cathode ray tube and associated circuitry which render the main body relatively heavy, the examiner's agrees but the claim language does not recite that the television receiver is portable.
3. Claim 1 is cancelled

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. **Claim 2** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 recites "having a hand grip and being of a size to be carried by one hand of user by using the hang grip". The specification, on page 7, only recites a grip provided on the top for portable purposes. Additional claim 2 recites, "control means for controlling the recording and reproducing means, the surround

Art Unit: 2644

decoding means and the first and second switching means". The specification only recites, "control means for controlling the recording and reproducing means, the surround decoding means and the switching means".

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art (Figures 6A,6B; Description of Related Art) in view of Gefvert (U.S. Patent 5,533,129) in view of Iwamura (U.S. Patent 6,473,135) in further view of Watanabe (U.S. Patent 6,167,140) in further view of Hirota (U.S. Patent 4,070,546).

Regarding **claim 2**, the applicant's admitted prior art (Figures 6A,6B) discloses a multichannel acoustic signal reproducing apparatus comprising at least:

portable housing (3, Figure 6B; portable is defined as capable of being moved);
left and right speakers separately attached to the portable housing (Figures 6A, 6B);

recording and reproducing means arranged in the portable housing capable of recording and reproducing a recording medium (10, Figure 6B);

surround decoding means arranged in the portable housing for decoding a multi-channel acoustic signal from the recording and reproducing means to produce surround phonic sound (14, Figure 6B);

control means for controlling the recording and reproducing means, the surround decoding means (Figure 6B, page 1, line 24-page 2, line 3).

The applicant's admitted prior art fails to disclose a center speaker but fails to disclose that the center speaker is arranged in a portable housing. This concept was well known in the art as taught by Gefvert. Gefvert discloses a multi-channel sound reproduction system having a center speaker arranged in a housing with a left and right speaker. It would have been obvious to modify the applicant's admitted prior art to have the left, right and center speakers enclosed in one housing as taught by Gefvert in order to have a unitary construction allowing easy placement (column 4, lines 21-25).

The applicant's admitted prior art as modified by Gefvert teaches of a television receiver and teaches of six channels but fails to disclose a television having speakers and a first and second switching means as claimed and a controlling means that controls the switching means.

The concept of a television receiver with left and right speakers was well known in the art as taught by Iwamura. Iwamura discloses that a television can have a speaker or speakers located internally or external to the television. It would have been obvious to one of ordinary skill in the art to modify the applicant's admitted prior art as modified by Gefvert to have the television receiver house two of the speaker channels as taught by Iwamura in order to produce high quality sound.

The applicant's admitted prior art as modified by Gefvert and Iwamura fails to disclose a first and second switching means and a controlling means that controls the switching means as claimed. Switching means in order to switch between channels or outputs is well known in the art. Watanabe discloses a multichannel AV amplifier (Figures 1 and 2) with a first switching means (S11, S1, S3, S4, S12, S6, S8) and a second switching means (S9) having many arrangements (Figure 4). It indicates that a center, left and right channel ((S3, S4, S12) can be on at the same time as the surround speaker (S9). Watanabe further teaches of a mode selector (104) and channel selector (105) that controls the first and second switching means (column 5, lines 12-17). It is obvious to have a first and second switching means and a means to control the switching means as taught by Watanabe in order to provide the capability of multichannel reproduction and selectively switching between speakers.

The applicant's admitted prior art as modified by Gefvert, Iwamura and Watanabe fails to disclose but Hirota teaches of a portable housing having a grip (13, 14; column 2, lines 19-23). It would have been obvious to modify the applicant's admitted prior art as modified by Gefvert, Iwamura and Watanabe to have a hand grip as taught by Hirota in order to allow for a person to grip by one hand for carrying the audio apparatus (Hirota; column 2, lines 21-22).

Claim Objections

5. **Claim 3** is objected to because of the following informalities: Claim 3 recites "the channel signals from the second switching means are fed to the television by a single cable". It is clear looking at the figures that it is the first switching means (21) through

Art Unit: 2644

which the channel signals are fed to the television receiver. Appropriate correction is required.

Allowable Subject Matter

6. Claim 3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DEF



HUYEN LE
PRIMARY EXAMINER